

Judge John C. Coughenour

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FRANCISCO JAVIER CARRILLO,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

No. CV22-0990-JCC

[~~PROPOSED~~] ORDER REGARDING
WAIVER OF ATTORNEY-CLIENT
PRIVILEGE

Having reviewed the United States' motion, and for good cause shown, the Court finds that by raising claims of ineffective assistance of counsel in his 28 U.S.C. § 2255 petition, petitioner Francisco Javier Carrillo has waived attorney-client and work-product privileges for the purpose of litigating the petition.

The Court authorizes Carrillo's prior attorneys Jonathan Lewis and Troy Lee to provide to the government evidence related to their representation of Carrillo in *United States v. Villasenor et al.*, CR20-137 JCC (W.D. Wash.)—including their efforts and otherwise privileged legal conversations with Carrillo on all topics relevant to the pending § 2255 petition, including:

- (1) Lewis and Lee's preparations, investigations, and strategic choices;
- (2) use of Spanish interpreters;
- (3) plea negotiations;

- 1 (4) Carrillo's understanding of the plea agreement and his decision to plead guilty;
2 (5) sentencing; and
3 (6) communications about Carrillo's appellate rights.

4 Lewis and Lee are authorized to provide evidence in the form of declarations, affidavits,
5 testimony, or any other form. Lewis and Lee are also authorized to produce to the
6 government documents and records relevant to Carrillo's § 2255 claims.

7 Absent further order from the Court, the evidence provided under this Order may
8 be used solely for the purpose of litigating Carrillo's § 2255 petition and may not be
9 admitted against Carrillo in any other proceeding.

10 This Order will remain in effect even after the Court has ruled on Carrillo's § 2255
11 petition. Both parties retain the right to apply to the Court for modification of this order.

12 SO ORDERED.

13 Dated this 6th day of December 2022.

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19 JOHN C. COUGHENOUR
20 United States District Judge

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22 Presented by:

23 s/ Jonas Lerman
24 JONAS LERMAN
25 Assistant United States Attorney
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